

KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, P.L.L.C.

SUMNER SQUARE

1615 M STREET, N.W.

SUITE 400

WASHINGTON, D.C. 20036-3215

(202) 326-7900

FACSIMILE:

(202) 326-7999

July 18, 2017

Via ECF and facsimile

The Honorable George B. Daniels
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1310
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)
(All Actions): Request for Additional Pages for Motion to Dismiss

Dear Judge Daniels:

I write on behalf of the Kingdom of Saudi Arabia (“Saudi Arabia”) to request an increase in the page limit for the memorandum in support of Saudi Arabia’s forthcoming motion to dismiss the Consolidated Amended Complaint, ECF No. 3463 (“CAC”), and the Complaint in *Ashton v. Kingdom of Saudi Arabia*, No. 17-cv-2003, ECF No. 1 (“Ashton Complaint”). Saudi Arabia requests leave to file a consolidated memorandum addressing both complaints, not to exceed 75 pages.

Under Judge Netburn’s order dated April 13, 2017, Saudi Arabia’s responses to both the CAC and the Ashton Complaint are due on August 1, 2017. *See* ECF No. 3514.¹ Section III.B of your Honor’s Individual Rules of Practice would permit Saudi Arabia to file a memorandum of up to 25 pages in support of each motion. After undertaking considerable work to prepare the motions, Saudi Arabia believes there is sufficient legal and factual overlap between the CAC and the Ashton Complaint that a single consolidated memorandum will be most helpful to the Court.

Saudi Arabia also, after making diligent efforts to keep its written presentation no longer than necessary, believes that an extension of the page limit to 75 pages total is reasonable under the unusual circumstances of this case, including: (1) the length of the complaints, consisting of 104 pages (424 numbered paragraphs) for the CAC and 194 pages (91 numbered paragraphs,

¹ This letter is directed to your Honor personally as instructed by the final paragraph of Judge Netburn’s April 13 order. *See* ECF No. 3514, at 4.

KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, P.L.L.C.

The Honorable George B. Daniels
July 18, 2017
Page 2

many divided into numerous lettered subparagraphs) for the *Ashton* Complaint; (2) the quantity of materials that Plaintiffs incorporate or seek to incorporate by reference, including 246 pages of appendices to the CAC and over 4,000 pages of exhibits; (3) the need for this Court to construe and apply, as a matter of first impression in any court, the newly enacted Justice Against Sponsors of Terrorism Act, Pub. L. No. 114-222, 130 Stat. 852 (2016); and (4) the unusual importance of this litigation.

I have conferred with counsel for the Saudi High Commission (“SHC”) and am advised that the SHC intends to move separately to dismiss, but does not intend to seek an extension of the page limit.

The Plaintiffs’ Executive Committees have consented to this request.

Respectfully submitted,

/s/ Michael K. Kellogg

Michael K. Kellogg

cc: The Honorable Sarah Netburn (via ECF)
All MDL Counsel of Record (via ECF)